

# **JOURNAL OF THE SENATE**

## **EIGHTY-NINTH SESSION**

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TWELFTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Friday, January 31, 2014

The Senate convened at 1:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. J. P. Mosley, Jr., followed by the Pledge of Allegiance led by Senate page Alexis Logue.

Roll Call: All members present except Sens. Begalka, Brown, Buhl O'Donnell, Chuck Jones, and Peters who were excused.

### **APPROVAL OF THE JOURNAL**

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the eleventh day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Al Novstrup, Vice- Chair

Which motion prevailed.

## REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Appropriations respectfully reports that it has had under consideration SB 16, 17, 20, and 87 and returns the same with the recommendation that said bills do pass.

Also MR. PRESIDENT:

The Committee on Appropriations respectfully reports that it has had under consideration SB 84 and returns the same with the recommendation that said bill be amended as follows:

84ma

On page 2, line 5, of the printed bill, delete everything after "after" and insert "the transfer of moneys authorized by this section is approved, the".

On page 2, line 6, delete "the budget transfer authorization" and insert "an authorization notice".

And that as so amended said bill do pass.

Respectfully submitted,  
Deb Peters, Chair

Also MR. PRESIDENT:

The Committee on Retirement Laws respectfully reports that it has had under consideration SB 40, 41, 42, and 43 and returns the same with the recommendation that said bills do pass and be placed on the consent calendar.

Respectfully submitted,  
Bruce E. Rampelberg, Chair

Also MR. PRESIDENT:

The Committee on Taxation respectfully reports that it has had under consideration SB 80 and returns the same with the recommendation that said bill do pass.

1 Also MR. PRESIDENT:

2 The Committee on Taxation respectfully reports that it has had under consideration  
3 HB 1055 and returns the same with the recommendation that said bill do pass and be placed on  
4 the consent calendar.

5 Respectfully submitted,  
6 Ernie Otten, Chair

7 Also MR. PRESIDENT:

8 The Committee on Transportation respectfully reports that it has had under consideration  
9 SB 93 and returns the same with the recommendation that said bill do pass.

10 Also MR. PRESIDENT:

11 The Committee on Transportation respectfully reports that it has had under consideration  
12 SB 61 and returns the same with the recommendation that said bill do pass and be placed on the  
13 consent calendar.

14 Respectfully submitted,  
15 Mike Vehle, Chair

16 Also MR. PRESIDENT:

17 The Committee on Local Government respectfully reports that it has had under  
18 consideration SB 75 and returns the same with the recommendation that said bill do pass.

19 Also MR. PRESIDENT:

20 The Committee on Local Government respectfully reports that it has had under  
21 consideration SB 100 and returns the same with the recommendation that said bill do pass and  
22 be placed on the consent calendar.

23 Respectfully submitted,  
24 Mark Kirkeby, Chair

25 Also MR. PRESIDENT:

26 The Committee on Health and Human Services respectfully reports that it has had under  
27 consideration HCR 1005 and returns the same with the recommendation that said resolution do  
28 pass.

1 Also MR. PRESIDENT:

2 The Committee on Health and Human Services respectfully reports that it has had under  
3 consideration SB 89 and returns the same with the recommendation that said bill do pass and  
4 be placed on the consent calendar.

5 Respectfully submitted,  
6 Jean M. Hunhoff, Chair

7 Also MR. PRESIDENT:

8 The Committee on State Affairs respectfully reports that it has had under consideration  
9 SJR 1 and SB 119 and returns the same with the recommendation that said bill and resolution  
10 do pass.

11 Respectfully submitted,  
12 Larry Rhoden, Chair

13 **MESSAGES FROM THE HOUSE**

14 MR. PRESIDENT:

15 I have the honor to inform your honorable body that the House has adopted the report of  
16 the Joint-Select Committee relative to the joint rules for the two houses for the Eighty-ninth  
17 Legislative Session.

18 Also MR. PRESIDENT:

19 I have the honor to transmit herewith HB 1014, 1015, 1034, 1063, 1073, 1077, 1079, and  
20 1082 and HJR 1001 which have passed the House and your favorable consideration is  
21 respectfully requested.

22 Respectfully,  
23 Arlene Kvislen, Chief Clerk

24 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

25 SB 136 Introduced by: Senators Novstrup (Al), Begalka, Jensen, and Lederman and  
26 Representatives Latterell, Craig, Haggar (Jenna), Olson (Betty), Stalzer, and Stevens

1 FOR AN ACT ENTITLED, An Act to ensure available replacement parts and services for  
2 consumers of manufactured goods.

3 Was read the first time and referred to the Committee on Commerce and Energy.

4 SB 137 Introduced by: Senators Vehle, Begalka, Bradford, Buhl O'Donnell, Ewing,  
5 Frerichs, Jones (Chuck), Kirkeby, Krebs, Lederman, Lucas, Omdahl, Otten (Ernie), Peters,  
6 Rampelberg, Rave, Soholt, and Tidemann and Representatives Schaefer, Anderson, Bartling,  
7 Bolin, Cammack, Campbell, Craig, Ecklund, Feickert, Feinstein, Gibson, Gosch, Haggar  
8 (Jenna), Hajek, Hawks, Hawley, Heinemann (Leslie), Heinert, Hoffman, Hunhoff (Bernie),  
9 Johns, Killer, Kirschman, Kopp, Langer, Magstadt, May, Mickelson, Munsterman, Novstrup  
10 (David), Olson (Betty), Qualm, Rasmussen, Ring, Rounds, Schoenfish, Soli, Solum, Stalzer,  
11 Steele, Stevens, Tulson, Tyler, Verchio, Westra, Wick, and Wink

12 FOR AN ACT ENTITLED, An Act to make an appropriation to rehabilitate certain state-  
13 owned rail lines and to declare an emergency.

14 Was read the first time and referred to the Committee on Appropriations.

15 SB 138 Introduced by: Senators Lederman, Rampelberg, and Rave and Representatives  
16 Greenfield, Bartling, Latterell, and Russell

17 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to title-based  
18 escheatment of abandoned United States savings bonds and the proceeds thereof.

19 Was read the first time and referred to the Committee on Commerce and Energy.

20 SB 139 Introduced by: Senator Lederman and Representatives Latterell, Langer, Novstrup  
21 (David), Otten (Herman), Stalzer, and Stevens

22 FOR AN ACT ENTITLED, An Act to authorize the testing of autonomous cars on the  
23 highways of South Dakota.

24 Was read the first time and referred to the Committee on Transportation.

25 SB 140 Introduced by: Senator Lederman and Representative Latterell

26 FOR AN ACT ENTITLED, An Act to exempt certain computer programming services and  
27 software

28 Was read the first time and referred to the Committee on Taxation.

SB 141 Introduced by: Senators Sutton and Frerichs and Representatives Bartling and Hunhoff (Bernie)

FOR AN ACT ENTITLED, An Act to improve the work force development in South Dakota.

Was read the first time and referred to the Committee on State Affairs.

SB 142 Introduced by: Senators Tieszen, Jensen, Jones (Tom), Novstrup (Al), Omdahl, and Rampelberg and Representatives Novstrup (David) and Hoffman

FOR AN ACT ENTITLED, An Act to increase legislative salaries subject to certain conditions and restrictions.

Was read the first time and referred to the Committee on State Affairs.

SB 143 Introduced by: Senators Krebs, Frerichs, Lederman, Rampelberg, Rave, Soholt, and White and Representatives Conzet, Duvall, Erickson, Gosch, Johns, Peterson, Rounds, and Solum

FOR AN ACT ENTITLED, An Act to provide for a civil remedy for a bad faith assertion of patent infringement.

Was read the first time and referred to the Committee on Judiciary.

SB 144 Introduced by: Senators Jensen, Holien, Lederman, Maher, Monroe, Otten (Ernie), Rampelberg, and Rhoden and Representatives Russell, Campbell, Craig, Haggard (Don), Hoffman, Kirschman, Kopp, May, Nelson, Olson (Betty), Qualm, Rasmussen, Rounds, Stalzer, Steele, and Wick

FOR AN ACT ENTITLED, An Act to provide for admission to postsecondary institutions regardless of the age of the student.

Was read the first time and referred to the Committee on Education.

SB 145 Introduced by: Senators Rave, Bradford, Brown, Curd, Hunhoff (Jean), Jensen, Jones (Chuck), Krebs, Lederman, Lucas, Monroe, Novstrup (Al), Omdahl, Peters, Rampelberg, Sutton, Tidemann, Van Gerpen, Vehle, Welke, and White and Representatives Munsterman, Cammack, Carson, Craig, Cronin, Duvall, Ecklund, Erickson, Gosch, Hawley, Heinemann (Leslie), Hoffman, Hunhoff (Bernie), Kirschman, Kopp, Langer, Magstadt, Mickelson, Novstrup (David), Olson (Betty), Otten (Herman), Parsley, Peterson, Ring, Rozum, Russell, Schoenfish, Solum, Stalzer, Steele, Stevens, Tulson, Tyler, Verchio, Westra, Wick, and Wink

1 FOR AN ACT ENTITLED, An Act to require schools to provide instruction in  
2 cardiopulmonary resuscitation.

3 Was read the first time and referred to the Committee on Health and Human Services.

4 SB 146 Introduced by: Senator Holien and Representative Otten (Herman)

5 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the closure of  
6 county and township roads due to high water.

7 Was read the first time and referred to the Committee on Transportation.

8 SB 147 Introduced by: Senators Maher, Brown, Frerichs, Holien, Lederman, and Rave and  
9 Representatives Munsterman, Conzet, Heinemann (Leslie), Kirschman, Ring, Stalzer, and  
10 Westra

11 FOR AN ACT ENTITLED, An Act to revise the composition of the governing body of a  
12 health maintenance organization.

13 Was read the first time and referred to the Committee on State Affairs.

14 SB 148 Introduced by: Senator Jensen and Representative Nelson

15 FOR AN ACT ENTITLED, An Act to ensure that parents may direct the rearing of their  
16 children without undue governmental infringement.

17 Was read the first time and referred to the Committee on State Affairs.

18 SB 149 Introduced by: Senators Tidemann, Bradford, Brown, Frerichs, Hunhoff (Jean),  
19 Jones (Chuck), Kirkeby, Maher, Peters, Rave, Rhoden, Soholt, Tieszen, Van Gerpen, and White  
20 and Representatives Munsterman, Bartling, Dryden, Hawley, Hunhoff (Bernie), Mickelson,  
21 Peterson, and Sly

22 FOR AN ACT ENTITLED, An Act to establish a pilot grant program for alternative care  
23 programs for adults with substance abuse issues, to provide a report to the Legislature, and to  
24 make an appropriation therefor.

25 Was read the first time and referred to the Committee on Appropriations.

26 SB 150 Introduced by: The Committee on Health and Human Services

27 FOR AN ACT ENTITLED, An Act to allow use of supraglottic airway devices by  
28 emergency medical technicians, and to declare an emergency.

1 Was read the first time and referred to the Committee on Health and Human Services.

2 SB 151 Introduced by: Senators Rampelberg, Begalka, Ewing, Kirkeby, Krebs, Lederman,  
3 Lucas, Solano, Tieszen, and Welke and Representatives Verchio, Anderson, and Hagggar (Jenna)

4 FOR AN ACT ENTITLED, An Act to revise the appointment process for the State  
5 Veterans Home superintendent.

6 Was read the first time and referred to the Committee on State Affairs.

7 SB 152 Introduced by: The Committee on Retirement Laws at the request of the Office of  
8 the Governor

9 FOR AN ACT ENTITLED, An Act to make an appropriation to provide full funding of  
10 the cement plant retirement plan, to consolidate the cement plant retirement plan with the South  
11 Dakota Retirement System, and to declare an emergency.

12 Was read the first time and referred to the Committee on Appropriations.

13 SB 153 Introduced by: Senator Frerichs and Representative Gibson

14 FOR AN ACT ENTITLED, An Act to establish an educational program relating to  
15 hazardous fuel emissions and the use of no-idle zones.

16 Was read the first time and referred to the Committee on Transportation.

17 SB 154 Introduced by: Senators Soholt, Brown, Frerichs, Jones (Chuck), Kirkeby, Krebs,  
18 Lederman, Maher, Omdahl, Peters, Rampelberg, Tidemann, and White and Representatives  
19 Lust, Erickson, Hajek, Hoffman, Langer, Mickelson, Otten (Herman), Parsley, Qualm, Sly, Soli,  
20 and Westra

21 FOR AN ACT ENTITLED, An Act to establish the Jolene's Law Task Force to study the  
22 impact of sexual abuse of children in this state and to make recommendations to the Legislature  
23 on policies to effectively address the issue.

24 Was read the first time and referred to the Committee on Judiciary.

25 SB 155 Introduced by: Senators Curd and Maher and Representative Cronin

26 FOR AN ACT ENTITLED, An Act to require the Department of Education to report to the  
27 legislative education standing committees prior to implementing a curriculum change.

28 Was read the first time and referred to the Committee on Education.



1                   **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

2           HB 1014: FOR AN ACT ENTITLED, An Act to increase the nonrefundable application  
3 fee for resident bighorn sheep, mountain goat, and elk licenses.

4           Was read the first time and referred to the Committee on Agriculture and Natural  
5 Resources.

6           HB 1015: FOR AN ACT ENTITLED, An Act to create an equitable process to handle  
7 water right applications submitted for aquifers determined to be fully appropriated by the Water  
8 Management Board.

9           Was read the first time and referred to the Committee on Agriculture and Natural  
10 Resources.

11          HB 1034: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to dam  
12 maintenance and repair funding and to declare an emergency.

13          Was read the first time and referred to the Committee on Appropriations.

14          HB 1063: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to jury  
15 selection.

16          Was read the first time and referred to the Committee on Judiciary.

17          HB 1073: FOR AN ACT ENTITLED, An Act to provide for the cancellation of expired  
18 mechanic's and materialman's liens.

19          Was read the first time and referred to the Committee on Judiciary.

20          HB 1077: FOR AN ACT ENTITLED, An Act to enact the Uniform Real Property Transfer  
21 on Death Act.

22          Was read the first time and referred to the Committee on Judiciary.

23          HB 1079: FOR AN ACT ENTITLED, An Act to authorize certain lighting on vehicles  
24 operated by ambulance service personnel.

25          Was read the first time and referred to the Committee on Transportation.

1 HB 1082: FOR AN ACT ENTITLED, An Act to revise the conditions causing the  
2 suspension of a probationer's probationary period.

3 Was read the first time and referred to the Committee on Judiciary.

4 HJR 1001: A JOINT RESOLUTION, Proposing and submitting to the electors at the next  
5 general election an amendment to Article III, section 25 of the Constitution of the State of South  
6 Dakota, relating to the authorization of roulette, keno, and craps in the City of Deadwood.

7 Was read the first time and referred to the Committee on State Affairs.

8 **SECOND READING OF CONSENT CALENDAR ITEMS**

9 HB 1035: FOR AN ACT ENTITLED, An Act to provide certain provisions relating to the  
10 executive branch internship program.

11 Was read the second time.

12 The question being "Shall HB 1035 pass?"

13 And the roll being called:

14 Yeas 30, Nays 0, Excused 5, Absent 0

15 Yeas:

16 Bradford; Curd; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Jones  
17 (Tom); Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten  
18 (Ernie); Rampelberg; Rave; Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;  
19 Vehle; Welke; White

20 Excused:

21 Begalka; Brown; Buhl O'Donnell; Jones (Chuck); Peters

22 So the bill having received an affirmative vote of a majority of the members-elect, the  
23 President declared the bill passed and the title was agreed to.

24 Sen. Rave moved that the balance of the calendar including SB 23 and HB 1024 be  
25 deferred to Tuesday, February 4, the 13<sup>th</sup> legislative day.

26 Which motion prevailed.

**COMMEMORATION**

SC 5 Introduced by: Senators Tidemann, Begalka, Bradford, and Tieszen and Representatives Munsterman, Hawley, Peterson, and Tyler

A LEGISLATIVE COMMEMORATION, Honoring the Brookings County Youth Mentoring Program.

WHEREAS, the Brookings County Youth Mentoring Program has been serving the Brookings area for the last seventeen years, helping children to gain a sense of their own worth as individuals and to attain a set of values that will point them toward becoming positive, contributing members of society; and

WHEREAS, the mentoring program takes pride in its pursuit of high standards matching mentor and child, based on shared interests, age, preference, and any other factor that may enhance the relationship between the mentor and child; and

WHEREAS, the benefits of the mentoring program are endless, providing a child with a dependable figure that can offer emotional support as well as teach a child important life skills resulting in the reversal of the often discouraging tide of disintegrating values that seem to surround us:

NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Ninth Legislature of the State of South Dakota, that the Brookings County Youth Mentoring Program be honored as an exemplary program and commended for its service to the Brookings community.

Sen. Jones (Tom) moved that the Senate do now adjourn, which motion prevailed and at 1:15 p.m. the Senate adjourned.

Jeannette Schipper, Secretary

